IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.470 OF 2005

C.S.Sinha ... Petitioner

Versus.

National Buildings
Construction Corporation ... Respondents.

Shri Y.R.Yelwe for the Petitioner.
Shri Ashok Singh for the Respondent.

CORAM : H.L.GOKHALE &
ABHAY S. OKA, JJ.
DATED : JANUARY 16, 2006.

P.C.:

1. Heard Mr.Yelwe in support of this Petition. Shri Ashok Singh appears for the Respondents. The Petition filed on 24th November 2004 seeks to challenge the meetings of the Departmental Promotion Committee held from 1998 onwards and it further prays that the Petitioner be promoted to the post of the Project Manager from the date on which his immediate juniors were promoted. It is seen from this Petition that in the year 1998 the Petitioner was working as Deputy Project Manager. That year when the meeting of the DPC held, the Petitioner's candidature was considered along with other eligible candidates. Criteria was merit cum seniority. When the ranking was done, the Petitioner was placed quite low in that list and therefore, he could not get post of the Project Manager in the year 1998-1999. It has been explained to the Petitioner by the Respondents way back in a letter dated 1st October

2004 that no DPC was held in the year 1999-2000. As also in the year 2000-2001, no DPC was held. In the year 2001-2002 and 2002-2003 the Petitioner was facing departmental enquiry on various charges amongst which was also negligence and carelessness in the matter of measurement of quantity of the work done. That report has finally became available and enquiry was concluded against the Petitioner. The Petitioner having been found guilty was awarded penalty of censure. That was by order dated 27th January 2005. Thereafter, in spite of this order of censure, the Petitioner was promoted on 18th February 2005.

2. The Petitioner is now seeking that the promotional decisions from 1998 onwards be looked into and be interfered. As stated above, the Respondents have given explanation as to in what manner the Petitioner was considered or not considered, if at all, from the year 1998. When DPC was held in view of the assessment of the Petitioner, his placement was at lower position and his juniors have gone ahead from 1998 onwards and now inspite of having been held guilty, he has been given further promotion. In fact we are surprised to note that the Petitioner was promoted in spite of having been found guilty. That apart, surely he has no case for looking into DPC held from 1998 onwards when this Petition is filed in 2004. The Respondents have given adequate explanation. There is no reason to interfere.

Petition is dismissed.

(H.L.Gokhale, J.)

(Abhay S.Oka, J.)